

1       **AN ACT** *to amend* 12.04 (4) (b) of the statutes; **relating to:** municipal regulation of  
 2           political signs.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 12.04 (4) (b) of the statutes is amended to read:

4           12.04 (4) (b) In addition to regulation under par. (a), a ~~1st, 2nd or 3rd class city, or a town,~~  
 5       municipality may regulate the size, shape or placement of a sign exceeding 11 square feet in  
 6       area. This paragraph does not apply to a sign which is affixed to a permanent structure and  
 7       does not extend beyond the perimeter of the structure, if the sign does not obstruct a window,  
 8       door, fire escape, ventilation shaft or other area which is required by an applicable building  
 9       code to remain unobstructed.

**NOTE:** Section 12.04 (2), stats., generally permits an individual to place a sign containing a political message on residential property owned or occupied by that individual during an election campaign period. However, under sub. (4) (a) of the statute, counties and municipalities may regulate the size, shape, or placement of any political sign that has an electrical, mechanical or audio apparatus and may regulate any political sign in an order to ensure traffic or pedestrian safety. Subsection (4) (b) of s. 12.04 further authorizes the regulation of the size, shape, or placement of any political sign that is more than 11 square feet in area, but extends that regulatory authority only to 1st, 2nd, and 3rd class cities and towns. Thus, 4th class cities and villages do not enjoy the latter authority.

It is not apparent from the legislative history or from a policy standpoint why the regulatory authority extended by s. 12.04 (4) (b), stats., does not also apply to 4th class cities and villages. Therefore, the draft extends the authority to all municipalities, which will include 4th class cities and villages in addition to other classes of cities and to towns. (“Municipality” is defined in s. 990.01 (22), stats., to include cities and villages; “it may be construed to include towns”. In the context of s. 12.04 (4) (b), it is intended to include towns.) It is recognized that the

implementation of the authority granted under s. 12.04 can raise first amendment issues relating to content-based regulation of speech. However, notwithstanding that issue, it was determined that the regulatory authority should be extended to all municipalities, consistent with the special committee's directive.

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(END)